

NAVY EQUAL OPPORTUNITY (EO)/SEXUAL HARASSMENT (SH) FORMAL COMPLAINT FORM

This form is for EO/SH complaints of military personnel. For EEO complaints of civilian employees, see Chapters 4 and 7, Commander's Handbook for Prevention of Sexual Harassment; OCPMINST 12713.2.

AUTHORITY:	10 U.S.C. 5013 (g).
PRINCIPLE PURPOSE:	Formal filing of allegations of reprisal, or of discrimination based on race, color, religion, gender or national origin.
ROUTINE USES:	Information provided on this form may be used: (a) as a data source for complaint information, statistics, reports, and analysis, (b) to respond to requests from appropriate outside individuals or agencies (<i>e.g. Members of Congress; the White House</i>) regarding the status of a complaint; (c) to adjudicate the complaint or appeal; (d) any other properly established routine use.
DISCLOSURE:	Disclosure is voluntary; however, failure to fully complete all portions of this form may result in rejection of the complaint on the basis of inadequate data to assess complaint.

PART I - COMPLAINT

1a. COMPLAINANT'S NAME		1b. RANK/RATE	1c. SSN
1d. UNIT	1e. RACE/ETHNIC GROUP	1f. GENDER	1g. DATE

1h. **NATURE OF COMPLAINT.** *(State, in as much detail as possible, the basis for your complaint. Describe the behaviors/conduct under objection, date(s) of occurrence, names of involved parties, witnesses, others to or from whom previous reports may have been made, other evidence available, and any additional information which may be helpful in resolving your complaint. Attach additional sheets as needed.)*

1i. **FILING DEADLINE.** I UNDERSTAND THAT I HAVE 60 CALENDAR DAYS FROM THE DATE OF THE ALLEGED INCIDENT TO FILE A FORMAL EO COMPLAINT. This EO filing deadline does not affect alternative remedies which might apply. (Investigation of EO complaints received after 60 calendar days is at the discretion of the cognizant commanding officer/activity head. If you are filing this complaint after 45 days, state the reasons for the delay.)

1j. **REQUESTED REMEDY.** *(What, specifically, do you think the final outcome should be?)*

1k. **AFFIDAVIT.** I, _____ have read the above statement which begins on this page (page 1) and continues on _____ attached page(s), and I have initialed any changes. Having been duly sworn upon my oath I swear, or affirm, that the statement is true and correct to the best of my knowledge and belief, and that it is made freely without coercion, threat, or promise.

(Signature of Complainant)

Subscribed and sworn to before me, a person authorized to administer oaths (per JAGMAN chapter IX), this _____ day of _____, 19____ at _____.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

2a. **ACKNOWLEDGMENT OF RECEIPT OF COMPLAINT.** I acknowledge receipt of this complaint from _____ (name/rank) of _____ (command) on _____ (date).

I UNDERSTAND THAT I HAVE 1 CALENDAR DAY TO REFER THE COMPLAINT TO THE APPROPRIATE AUTHORITY AND TO INFORM THAT AUTHORITY OF ANY INTERIM ACTION THAT IS TAKEN.

2b. NAME	2c. RANK/GRADE	2d. DATE
2e. UNIT/COMMAND		2f. SIGNATURE

NAVPERS 5354/2 (10-97)

Enclosure (1)

YEARS)

(RETAIN FORM IN COMMAND FILES FOR AT LEAST 3

PART II - COMPLAINANT SUPPORT/COUNSELING

3a. **REFERRAL TO COUNSELING AND SUPPORT SERVICES. THE COMPLAINANT SHOULD BE INFORMED OF/REFERRED TO AVAILABLE COUNSELING AND SUPPORT SERVICES WITHIN 24 HOURS WITH FOLLOW-UP AS REQUIRED.** (This part should be completed by an appropriate command representative. The complainant should be provided a copy and acknowledge receipt on the command copy.)

3b. **THE FOLLOWING ARE AVAILABLE LOCALLY** (Complete the following as appropriate)--

(1) DON Sexual Harassment Advice Line. For confidential counseling/advice for identifying and dealing with sexual harassment and similar inappropriate behavior. Business hours Monday - Friday EST. Call toll free 1-800-253-0931, DSN 882-2507, COMM (901) 882-2507. Call collect from overseas.)

(2) Informal Resolution System (IRS). (Ref: IRS Skills Booklet, NAVPERS 15620.) Both military and civilian personnel are encouraged to utilize the IRS as a means of direct resolution of complaints (not clearly criminal in nature). The IRS can be employed either before pursuing other statutory and regulatory procedures or as a supplemental dispute resolution tool during formal discrimination complaints processing. For further information on the IRS contact:

(Name, unit, phone number) _____

(3) Authorized command forums. The following command-sponsored councils and committees, ombudsman, command master chief, etc., are available (insert name, unit, phone number for each):

(4) Assignment of personal advocate. Commanders shall assign a personal advocate to assist members in processing complaints. Personal advocate assigned (name, phone): _____.

(5) Request mast with the CO/OIC. Your right to communicate with the CO in a proper manner, time, and place may not be denied. Such requests shall be acted upon promptly and forwarded without delay. Local procedures are:

(6) Other local resources. (Insert local name, organization, and phone number.)

Family Service Center (FSC): _____

Equal Opportunity (EO) Advisor: _____

Medical Treatment Facilities (MTF): _____

Chaplain: _____

Legal: _____

(7) Communications with Inspectors-General. As an alternative to the normal chain of command, any person who doesn't feel comfortable filing complaints locally or in person can lodge complaints (anonymously if desired) via one or more of the available hotlines:

Naval Inspector General, toll free 1-800-522-3451, DSN 288-6743, commercial (202) 433-6743.

Marine Corps Inspector General, DSN 224-1349, commercial (703) 614-1349.

Atlantic Fleet Inspector General, toll free 1-800-533-2397

Pacific Fleet Inspector General, commercial (808) 471-0735.

Naval Forces Europe Inspector General, DSN 235-4188.

Naval Reserve Inspector General, DSN 363-1324, commercial (504) 948-1324.

Local TYCOM, ISIC, or local commanders' hotlines: _____ (Insert Phone Number)

(8) A servicemember may always communicate individually with members of Congress.

(9) Article 138/NAVREGS 1150 complaint. A servicemember who believes him/herself wronged by his/her CO or other superior officer may file a complaint as provided in JAGMAN chapter III. Assistance in filing such complaints may be available from the local Naval Legal Services Office (NLSO).

(10) Other. (Attach additional pages as necessary): _____

3c. **IF YOU SUSPECT THAT YOU (COMPLAINANT) ARE BEING SUBJECTED TO IMPROPER PERSONNEL ACTION (REPRISAL) AS A RESULT OF FILING THIS COMPLAINT, PLEASE CONTACT THE FOLLOWING IMMEDIATELY** (insert name, phone): _____.

3d. **COMPLAINANT WAS ADVISED OF COUNSELING/SUPPORT SERVICES, REPRISAL ASSISTANCE, PROVIDED A COPY OF THIS FORM, AND OFFERED ASSISTANCE IN MAKING APPOINTMENTS.**

3e. NAME OF COMMAND REPRESENTATIVE	3f. RANK/RATE	3g. DATE
3h. UNIT/COMMAND	3i. SIGNATURE	
3j. COMPLAINANT'S ACKNOWLEDGMENT		
(Signature)		(Date)

PART III - COMPLAINT PROCESSING

4a. **ACKNOWLEDGMENT OF RECEIPT BY COMMANDING OFFICER/ACTIVITY HEAD.** I acknowledge receipt of this complaint by _____ (name/rank) of _____ (date).

I UNDERSTAND I MUST INITIATE AN APPROPRIATE INVESTIGATION OR ENSURE THAT ONE IS BEING CONDUCTED (E.G., BY NCIS) WITHIN 3 CALENDAR DAYS.

4b. NAME OF COGNIZANT CO/ACTIVITY HEAD	4c. RANK/GRADE	4d. DATE
4e. UNIT/COMMAND	4f. SIGNATURE	

5. REFERRAL TO COUNSELING AND SUPPORT SERVICES (MANDATORY). If not already done, ensure compliance with Part II of this form. **(COMPLAINANT MUST BE INFORMED OF/REFERRED TO AVAILABLE COUNSELING/SERVICES WITHIN 24 HOURS, WITH FOLLOW-UP AS REQUIRED.)**

6. OBTAIN LEGAL ADVICE (HIGHLY ADVISABLE). Consult the command legal advisor at the outset and maintain close coordination through final resolution and follow-up.

7. OTHER PRELIMINARY CONSIDERATIONS (for details, see chapter 4 of the Commander's Handbook)

a. Special Incident Reporting. (e.g., OPREP-3, Navy Blue, Unit SITREP per OPNAVINST 3100.6 Series /TYCOM)

b. Major criminal offense.

(1) Referral to NCIS is mandatory (SECNAVINST 5520.3 Series).

(2) In interim preserve evidence, ensure members' safety, and avoid compromising later investigation.

c. Special considerations for crime victims and witnesses (SECNAVINST 5800.11 Series, OPNAVINST 1752.1 Series).

d. Review other options under the UCMJ: e.g., Restrictions on liberty, pre-trial restraint, search, etc.

e. Recommend informal resolution (IRS). Unless the conduct is clearly criminal in nature, it is within the CO/OIC/activity head's discretion to forego taking further formal action when a complaint has been resolved under the IRS and the complainant does not desire further action.

f. Protect privacy. Protect individual privacy (both complainant's and alleged offending person) through all stages of the process. (SECNAVINST 5211.5 Series)

g. Important caution: DODDIR 6490.1 Series and SECNAVINST 6320.24 Series, Mental Health Evaluations of Members of the Armed Forces, prohibit the use of mental health evaluation referrals by commands for reprisal, establishes rights for members referred by their commands for such evaluations, and imposes specific procedures which commands must follow in order to refer a member for a mental health evaluation.

8. INVESTIGATION OF THE COMPLAINT. MUST BE INITIATED WITHIN 3 CALENDAR DAYS -- NOTIFY COMPLAINANT OF COMMENCEMENT SAME DAY (See part IV, item 13). Unless another activity (e.g., NCIS) has cognizance, the complainant's command must promptly and appropriately investigate the complaint. The nature of the investigation will depend upon the CO's/activity head's assessment of what more is required under the particular facts and circumstances (and chain-of-command directives) to sufficiently resolve/document factual issues. (For a command investigator's guide, see Appendix M of the Navy Commander's Handbook for Prevention of Sexual Harassment.) The completed investigation must be sufficient to permit any subsequent reviewers to clearly ascertain nature/source/analysis of evidence considered (including who was interviewed) and all pertinent facts developed.

(Indicate type of investigation, investigating officer, date convened)

9. INTERIM FEEDBACK/ASSISTANCE TO COMPLAINANT. TAKE PARTICULAR CARE TO AVOID RE-VICTIMIZING COMPLAINANTS (AND WITNESSES). Keep the complainant apprised of the status of the investigation (including any deadline extensions). Provide supplemental counseling/support assistance/referral as warranted. Ensure that all involved know that reprisal against the complainant will not be tolerated. *(Recommend keeping a record of such feedback/assistance. Attach record to the complaint form.)*

10. POSSIBLE COMMAND ACTIONS AFTER INVESTIGATION

a. If warranted, initiate a formal, more in-depth investigation or refer/re-refer the case to NCIS.

b. Forward the report to another authority for disposition.

c. Dispose of the allegations at the command. Each commander/activity head generally has the discretion to dispose of offenses by members of that command. Options for disposition span the spectrum from taking no action on groundless complaints (after appropriate investigation) to counseling, exhortation, criticism, EMI, administrative withholding of privileges, entries in FITREPs/EVALs/performance ratings, revocation of security clearance, detachment for cause, civilian termination, separation processing, NJP, or court-martial. (See chapters 7 and 8 of the Navy Commander's Handbook for Prevention of Sexual Harassment for a more detailed listing of options for correcting offenders.)

d. Consider/implement command improvements based on lessons learned.

11. RESOLUTION TIME STANDARDS/REPORTING. RESOLUTION OF CASE SHOULD BE COMPLETED NO LATER THAN 20 DAYS FROM INVESTIGATION COMMENCEMENT. Resolution includes: completion of investigation; determination of validity of complaint; holding NJP or preferring of charges (if courts-martial contemplated); initiation of other appropriate action; notification to accused; and notification to complainant. **IF TIME STANDARDS CANNOT BE MET, SITREP SUBMISSION IS MANDATORY:** explain reasons case is taking more time and request any assistance required (or state no assistance required). Submit follow-up SITREPs every 14 days until the case is resolved. Close-out SITREP must contain actions taken as a result of complaint. See NAVADMIN 080/98 for details. **SEND ALL MESSAGES UNCLASSIFIED.**

12. DOCUMENT COMMAND ACTION. Command records should permit reviewers to clearly ascertain/assess decisions reached. (Retain this form at least 3 years.) Also make appropriate entries in individual personnel records, if applicable. Finally, make any statistical reports required by the chain of command.

PART IV - NOTIFICATION, REVIEW, AND FOLLOW-UP		
13a. NOTIFICATION OF INVESTIGATION COMMENCEMENT. (NOTIFY COMPLAINANT SAME DAY.)		
13b. COMPLAINANT'S ACKNOWLEDGMENT _____ <div style="display: flex; justify-content: space-between; width: 100%;"> (Signature) (Date) </div>		
14a. NOTIFICATION OF ACTION TAKEN TO RESOLVE COMPLAINT. (TO OCCUR WITHIN 20 CALENDAR DAYS OF INVESTIGATION COMMENCEMENT. REPORT DELAYS VIA SITREP.) This complaint was investigated by _____ (name and rank) of _____ (unit/command) and completed on _____ (date). The complaint was found to be (mark one): <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Substantiated <input type="checkbox"/> Unsubstantiated [Insufficient Corroboration] <input type="checkbox"/> Unsubstantiated [No Corroboration] </div> based on the following findings: The following action has been taken/initiated by the command (CAUTION: SECNAVINST 5211.5 Series generally precludes providing specific details on adverse actions against offenders. Consult servicing Judge Advocate for further guidance.): 		
14b. COMPLAINANT'S ACKNOWLEDGMENT _____ <div style="display: flex; justify-content: space-between; width: 100%;"> (Signature) (Date) </div>		
14c. ACCUSED'S ACKNOWLEDGMENT _____ <div style="display: flex; justify-content: space-between; width: 100%;"> (Signature) (Date) </div>		
15a. COMPLAINANT'S RIGHT TO REVIEW BY HIGHER AUTHORITY. I acknowledge notice of my right to submit a statement concerning the investigative findings and command action taken, and to request review of those findings and actions by the next higher authority who is: _____ 15b. I REALIZE ANY STATEMENT AND REQUEST FOR REVIEW MUST BE SUBMITTED WITHIN 7 CALENDAR DAYS OF TODAY'S DATE. 15c. I: _____ DO NOT REQUEST REVIEW _____ REQUEST REVIEW <div style="display: flex; justify-content: space-around; width: 100%;"> (Initials) (Initials) </div> If review requested, indicate reason: 		
15d. COMPLAINANT'S ACKNOWLEDGMENT _____ <div style="display: flex; justify-content: space-between; width: 100%;"> (Signature) (Date) </div>		
16a. ACTION TAKEN BY REVIEWING AUTHORITY. The following action has been taken: 		
16b. NAME OF REVIEWING AUTHORITY 	16c. RANK/GRADE 	16d. DATE
16e. UNIT/COMMAND 	16f. SIGNATURE 	
16g. COMPLAINANT'S ACKNOWLEDGMENT _____ <div style="display: flex; justify-content: space-between; width: 100%;"> (Signature) (Date) </div>		
17a. COMPLAINANT'S FOLLOW-UP COMMENTS (The complainant should be debriefed 30-45 days after final action to assess complainant's views as to effectiveness of corrective action, present command climate, ensure the complainant has not suffered any reprisal, etc.) The complainant was debriefed on _____ (date) and had the following comments: 		
17b. COMPLAINANT'S ACKNOWLEDGMENT _____ <div style="display: flex; justify-content: space-between; width: 100%;"> (Signature) (Date) </div>		
18. COMMANDING OFFICER'S FOLLOW-UP NOTES. (Indicate dates/nature of any actions prompted by complainant's debrief. Attach additional sheets as necessary.) 		

